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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,011	08/09/2000	Minoru Murakami	00590/LH	5463

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EXAMINER

NGUYEN, TU X

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/635,011

Applicant(s)

MURAKAMI ET AL.

Examiner

Tu X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-3, 5, 10 and 15, are rejected under 35 U.S.C. 102(e) as being anticipated by Garfinkle (US Patent 6,370,568).

As to claim 1, Garfinkle discloses a communication device comprising:

mail creation means for creating an electronic mail (fig.3);

means for detecting the current position of the communication device (see col.1 lines 33-40); and

transmission means for attaching information corresponding to the current position to the electronic mail and transmitting the electronic mail with the information being attached (see col.1 lines 33-40 and col.2 lines 21-29 and col.2 lines 45-66).

As to claim 2, Garfinkle discloses the device wherein said transmission means comprises:

means for storing regional information specific to areas (see col.3 lines 9-35);

and

means for reading the regional information corresponding to and area including said current position from said storing means and attaching the regional information to the electronic mail (see fig.3 and col.1 lines 33-40).

As to claim 3, Garfinkle discloses storing means stores at least one of scenic images of areas, logo marks of areas, and advertisement images corresponding to areas (see 212a, 212b, 206 fig.3)

As to claims 5, 10 and 15, Garkinkle discloses storing means comprises a rewritable memory and means for writing externally supplied information to said rewritable memory (see 3 lines 9-50). The examiner interprets "storing data Postcard Template which provide text field and image field input" correspond to "rewritable memory".

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 and 11-13, are rejected under 35 U.S.C. 103(a) as being anticipated by Garfinkle

As to claims 6 and 11-13, Garkinkle discloses everything as to claim 1. However, Garkinkle does not mention about "a cell station". Official notice is taken that the concept a radio communication system comprising a cell station and a

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communication terminal are well known in the art. It would have been obvious that a cell station is a wireless transportation medium, which stores, transmits and receives signals to/from radio devices.

As to claims 7, Garfinkle discloses the device wherein said transmission means comprises:

means for storing regional information specific to areas (see col.3 lines 9-35);  
and

means for reading the regional information corresponding to and area including said current position from said storing means and attaching the regional information to the electronic mail (see fig.3 and col.1 lines 33-40).

As to claims 8 and 13, Garfinkle discloses storing means stores at least one of scenic images of areas, logo marks of areas, and advertisement images corresponding to areas (see 212a, 212b, 206 fig.3)

5. Claims 4, 9 and 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Garkinkle and further in view of Ausems et al. (US Patent 6,434,403)

As to claims 4, 9 and 14, Garfinkle fails to disclose storing means comprises a read-only memory.

Ausems et al. disclose storing means comprises a read-only memory (see 315, fig.3). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Garkinkle with the above teaching of Ausems et al. in order to store the operating system software for the device.

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### Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

December 23, 2002



VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

12/30/02